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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 11-00399 LHK
)	
12 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING HEARING DATE
13 vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
14 BENJAMIN MACIAS-DONATO,)	
)	
15 Defendant.)	
)	

16
17 **STIPULATION**

18 Defendant Benjamin Macias-Donato, by and through Assistant Federal Public Defender
19 Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney
20 Carolyn Sanin, hereby stipulate that, with the Court's approval, the status hearing currently set
21 for Wednesday, November 16, 2011, at 10:00 a.m., shall be continued to Wednesday, December
22 14, 2011, at 10:00 a.m.

23 The reason for the requested continuance is both parties require additional time to
24 effectively prepare. The parties therefore respectfully request a continuance to December 14,
25 2011.

26 The parties agree that the time between November 16, 2011, and December 14, 2011,

1 may be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for
2 effective preparation by both counsel.

3
4 Dated: November 7, 2011

5 _____/s/_____
VARELL L. FULLER
6 Assistant Federal Public Defender

7 Dated: November 7, 2011

8 _____/s/_____
CAROLYNE SANIN
Special Assistant United States Attorney

9
10 **[~~PROPOSED~~] ORDER**

11 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
12 ORDERED that the hearing currently set for Wednesday, November 16, 2011, shall be
13 continued to Wednesday, December 14, 2011, at 10:00 a.m.

14 THE COURT FINDS that failing to exclude the time between November 16, 2011, and
15 December 14, 2011, would unreasonably deny both counsel for the government and the
16 defendant reasonable time necessary for effective preparation, taking into account the exercise of
17 due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(B)(iv).

18 THE COURT FINDS that the ends of justice served by excluding the time between
19 November 16, 2011, and December 14, 2011, from computation under the Speedy Trial Act
20 outweigh the interests of the public and the defendant in a speedy trial.

21 THEREFORE, IT IS HEREBY ORDERED that the time between November 16, 2011,
22 and December 14, 2011, shall be excluded from computation under the Speedy Trial Act, 18
23 U.S.C. § 3161(h)(7)(A) and (B)(iv).

24 IT IS SO ORDERED.

25 Dated: 11/8/11

26 
THE HONORABLE LUCY H. KOH
United States District Judge